

C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000497

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TAGS: PREF PGOV PHUM PREL NP

SUBJECT: UPDATE ON TIBETAN REFUGEES

REF: A. KATHMANDU 101

1B. KATHMANDU 411

Classified By: A/DCM Michael S. Hoza, Reasons 1.5 (b),(d).

11. (C) Summary: A UNHCR monitoring visit to the Tibet border was postponed after a promised Home Ministry permit failed to materialize. The Australian Embassy has expressed an interest in helping to coordinate representations on Tibetan refugee issues. One of ten Tibetan refugees in custody on immigration charges gave birth February 19. UNHCR met with her March 7; she and the baby are fine. A self-described, but undocumented, Tibetan "tourist" from China at first claimed to police that he was not seeking refugee protection, but changed his story after meeting with Tibet Office staff. End Summary.

UNCHR Monitoring Visit Pushed Back

12. (SBU) UNHCR cancelled a planned March 4-6 monitoring visit to Kodari, on the Nepal-China border, at the last minute after a promised letter of permission from the Home Ministry failed to materialize. UNHCR had obtained oral permission for the mission from Home Ministry Joint Secretary Tikka Niraula, but hesitated to proceed without an official document in hand. Home Ministry officials have pledged to provide the letter, and UNHCR staff plan to travel as soon as they obtain it.

Australian Interest in Tibetan Refugees

13. (C) Emboffs met March 6 with the Australian Ambassador and DCM to discuss Tibetan refugee issues. The Australian Embassy had received inquiries from Members of Parliament about the year-on decline in refugees transiting Kathmandu (Ref A) and the ten refugees in detention on immigration charges (Ref B). The Australian Ambassador expressed interest in coordinating representations to Nepal on refugee issues with the U.S. and other nations. We agreed to keep one another informed and to coordinate our approaches in future. (Note: When Poloff contacted the Australian DCM in mid-February to inform him that Post was urging the Home Ministry to consider granting amnesty to the ten refugees, he replied that his Embassy had not yet made a decision on whether or not to weigh in. End Note.)

Detained Tibetan Refugee Gives Birth

14. (SBU) One of the ten Tibetan refugees currently detained on immigration charges (Ref B) gave birth January 19. The child, a boy, was healthy and had apparently been carried to term. The mother, aged 19, was also in good health following the delivery. She had concealed her pregnancy until the very end. Her condition became apparent only after labor pains began and she was taken to a hospital. Nepali authorities provided the new mother with Nepali Rupees 100 (USD 1.30), special rations for sixty days, and at least five meters of swathing cloth, as they do to every female inmate who gives birth. A UNHCR protection officer met with her jailers and a representative of the police women's cell March 1, and informed them orally that UNHCR would pay all expenses related to the care of the woman and her child, and subsequently met with the woman herself March 7.

15. (SBU) Initially, the woman refused to see visitors, and at first declined visits from both the UNHCR protection officer and the Dalai Lama's representative to Nepal. She also refused to see a staff member from the Tibetan Reception Center, who had visited the jail to deliver food and clothing to her. The UNHCR protection officer, an ethnic Tibetan, suspected that the woman, who is unmarried, avoided meeting visitors because she felt ashamed and dreaded having to answer questions about her baby.

16. (SBU) Children born to women in Nepal's jails typically remain with their mothers in custody until they reach primary-school age. The woman has not revealed the identity of the father; the child was apparently conceived when the

woman was in India, before she traveled to Nepal. Nepali citizenship is not conveyed automatically to the native born, but rather only through patrimony. Nepali law allows for the release of a jailed mother for 60 days so that she can return home to care for her newborn, and UNHCR is exploring the possibility of taking responsibility for her during that period.

Another Arrest in Kathmandu

17. (SBU) On January 28, an undocumented Tibetan from China was picked up by police on the main street in front of Nepal's Royal Palace and detained on immigration charges. He reportedly told authorities that he had come to Nepal as a tourist, that it was "easier" to travel without papers than to take the trouble to get a passport and visa, and that he had no fear of returning to China. The man, who speaks English, signed an English-language statement to that effect. He was fined Nepali Rupees 11,000 (USD 142), plus USD 46 in visa fees.

18. (SBU) The Tibet Office Representative has offered to pay the fine in order to secure man's release. UNHCR has discouraged this approach for the precedent it would set. Further complicating matters, after a meeting with a Tibetan Welfare Center staffer, the man claimed he had changed his mind and now wanted to go to India. A UNHCR officer plans to interview the man in coming days to determine his real wishes regarding refugee status. (Comment: Tibetans transit through Nepal for a variety of reasons; this arrest is yet another example of how Tibetan migration has become a two-way street. Post will continue to work with Nepal to ensure that Tibetans fleeing persecution in China can pass safely through Nepal. End Comment.)

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